

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

SUITS –LA– SRSP– Karimnagar District – O.P.No.617/85 pertaining to Nusthulapur (V) Thimmapur (M) - Sanction of decretal charges of **Rs.17,08,676-** - Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A1) DEPARTMENT

G.O.RT.NO. 827

DATE:28.10.2009

Read:

From the Spl.CS to Govt & CCLA, AP, Hyd.Lr.No.SRP2/922/09, dt:12.10.09 along with the proposal of the Spl.Collector, LA,SRSP, SSP, & JCRGLIP, Hyderabad.

O R D E R:

The Secretary to the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has submitted the proposals for sanction of decretal charges in respect of O.P.NO.617/85 of Nusthulapur (Village) of Thimmapur (M) of Karimnagar District. The then LAO, LA Unit, Karimnagar has acquired the lands to an extent of 1144.24 sq.mtrs for submergence under LMD Reservoir in the limits of Nusthulapur (V) Thimmapur (M) of Karimnagar vide Award No.5/84-85, dt:05.01.1985. Thereafter in a reference made U/s.18 of L.A.Act involving two structures with an extent of 1144.24 sq.mtrs, the Court of Sub-ordinate Judge, Karimnagar vide judgment and decree dt:24.02.89 in O.P.No.617/85 enhanced the compensation. As the enhancement was more than 50%, the SDC has filed an appeal and the same was numbered as A.S.No.2109/89. The Hon'ble High Court passed interim orders dt:20.10.1989 in CMP No.15020/89 that to deposit the entire enhanced compensation amounts within (8) weeks from the date of this order. Accordingly, an amount of Rs.2,03,458/- was deposited on 14.12.1989 in the Sr.Civil Judge Court, Karimnagar towards the enhanced compensation amount including an amount of Rs.1,53,398/- towards structures value. Finally, the Hon'ble H.C of A.P,Hyd while dismissing the appeal in A.S.No.2109/89, dt:21.08.1998 that the amount of compensation as awarded by the Lower Court in respect of structures be and hereby is enhanced by two times more than the compensation awarded by the LAO. As per the opinion of the Govt.Pleader for Appeals, H.C of A.P, Hyd and the Advocate General, SLP was filed by the State in the Hon'ble Supreme Court and numbered as SLP CC No.1128/2000, dt:28.02.2000 against A.S.No.2109/89 and the Hon'ble Supreme court had dismissed the case on the grounds of delay on 28.02.2000.

2) After careful examination of the matter, Government hereby accorded sanction for an amount of **Rs.17,08,676/- (Rupees Seventeen lakhs eight thousand six hundred and seventy six only)** in respect of O.P.No.617/85 pertaining to Nusthulapur (V) Thimmapur (M) of Karimnagar District subject to verification whether the reference under section 18(1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Section 18 reference was made contrary to the rules/guidelines issued by the Government/ Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

(PTO)

3) The Special Collector, LA, SSP & JCRGLIP, Hyderabad is directed to follow the directions issued by the Hon'ble High Court on 30.04.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.617/85 for avoiding intervention of the middleman.

4) The expenditure sanctioned in para (2) above, shall be debitable to the following Head of Account under "2701 – Capital Out Lay – M&MI-01 – Major Irrigation – 116. SRSP Stage-I, Scheme included in Plan, G.H (11) Normal State Plan – S.H (26) Dams and Appurtenant works – 530 - Major works – 532 – Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O.No.4046/F4(2)/2009-1, dated:19.10.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To

The Secretary to CCLA, A.P., Hyderabad.

The Special Collector, LA, SSP, JCRGLIP, Tarnaka, Hyderabad.

The Special Deputy Collector, LA Unit-I, LMD Colony, Karimnagar.

The Administrative-cum-Chief Engineer, SRSP, M.J.Road, Hyderabad.

The Director of Works Accounts, SRSP, Hyderabad.

Copy to: P.S. to Minister (M& MI).

Finance (W&P) Department/File C.No.26528/LA.III(A1)/2009.

SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER